

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Nekia MORRIS

Docket Number: 1:05CR00085-01

Offender Address: Bakersfield, California

Judicial Officer: Honorable Oliver W. Wanger
Senior United States District Judge
Fresno, California

Original Sentence Date: 07-11-05

Original Offense: Counts 1 & 2: 18 USC 287 - False Claim to an Agency
of the United States
(CLASS D FELONIES)

Original Sentence: 36 mos. probation; \$200 special assessment; \$4,536
restitution; mandatory testing

Special Conditions: Warrantless search and seizure; not dissipate assets;
financial disclosure; financial restrictions; drug
counseling; drug testing; \$25 co-payment; DNA
collection; participate in an adult education program

Type of Supervision: Probation

Supervision Commenced: 07-11-05

Assistant U.S. Attorney: Stanley A. Boone **Telephone:** (559) 499-4000

Defense Attorney: Barbara O'Neill (appt.) **Telephone:** (559) 459-0655

Other Court Action: None

RE: Nekia MORRIS
Docket Number: 1:05CR00085-01 REC
PETITION TO MODIFY THE CONDITIONS OR TERM
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PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall complete 20 hours of unpaid community service as directed by the probation officer. The defendant shall pay fees attendant to participation and placement in this program, on a sliding scale as determined by the program. Community service shall be completed by December 31, 2006.

Justification: On March 18, 2006, the Bakersfield Police Department conducted a traffic stop and cited the defendant for: 1) driving her vehicle without a current registration in violation of California Vehicle Code Section 4000(a), an infraction; 2) displaying unlawful evidence of the vehicle registration in the form of a license plate that was not issued to the vehicle in violation of California Vehicle Code Section 4462.5, a misdemeanor; 3) and for failing to provide proof of insurance in violation of California Vehicle Code Section 16028(a), an infraction. On April 11, 2006, the defendant appeared before Kern County Superior Court, case number BM689072A, and pled nolo contendere to the aforementioned violations. The Court sentenced the defendant to three years unsupervised probation and imposed fines and fees totaling \$225.

The probation officer has interviewed the defendant regarding the circumstances of the new law violation. Additionally, the probation officer has reviewed the crime report. The defendant indicated her mother (Charlesetta Morris, a supervised releasee also under the probation officer's supervision) purchased the car and loaned it to her. The defendant stated she did not put the fraudulent license plate on the car. The defendant's mother told the probation officer that she made no changes to the car or license plate after the purchase. The crime report shows the defendant's mother purchased the car and the

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sales receipt listed a Nevada license number. Considering the defendant had possession and control of the vehicle at the time of the traffic stop, the defendant was legally responsible to provide insurance coverage and a proper registration.

The defendant was placed on Federal supervision by the Court for two counts of False Claims. Although the new offense conduct was petty, it did involve another incident of fraudulent conduct. Consequently, the probation officer believes a response is necessary in order to impress upon the defendant that such illegal conduct will not be tolerated while under supervision, or otherwise.

Therefore, it is recommended that the Court order the defendant to complete 20 hours of unpaid community service as a sanction for her new criminal conduct. The defendant has demonstrated her agreement of this action by signing the attached Probation Form 49 - Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision. The probation officer believes this action is sufficient due to the petty nature of the new case coupled with the fact the defendant was sentenced to three years court probation with fines and fees totaling \$225.

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Respectfully submitted,

/s/ R. Walters

R. WALTERS
United States Probation Officer
Telephone: (661) 861-4305

DATED: July 17, 2006
Bakersfield, California, California
RCW:dk

/s/ Rick C. Louviere

REVIEWED BY: _____
RICK C. LOUVIERE
Supervising United States Probation Officer

THE COURT ORDERS:

- (X) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

IT IS SO ORDERED.

Dated: July 21, 2006
emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE